

# United States Senate

WASHINGTON, DC 20510

November 8, 2019

The Honorable William P. Barr  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Dear Attorney General Barr:

This letter is a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552.

On November 6, 2019, *The Washington Post* reported that President Trump requested that you, acting in your official capacity as the United States Attorney General, hold a news conference to declare that he had broken no laws during the July 25, 2019, phone call in which he pressured Ukrainian President Volodymyr Zelensky to investigate his political rival.<sup>1</sup> As you are aware, President Trump's conversation with the leader of Ukraine is the subject of a whistleblower complaint alleging that President Trump was "using the power of his office to solicit interference from a foreign country in the 2020 U.S. election."<sup>2</sup> The whistleblower's complaint has since been corroborated by multiple officials who have testified before the House Permanent Select Committee on Intelligence.

Reportedly, shortly after the White House released a summary of the call on September 25, 2019, President Trump told White House officials of his desire for the attorney general to appear publicly and "personally deliver the message to the news media that Mr. Trump had done nothing wrong, much as [the attorney general] did in a news conference he held shortly before the release of the report by Robert S. Mueller III."<sup>3</sup> White House officials in receipt of the president's ask allegedly passed it along to the Justice Department, where you are reported to have declined the request.<sup>4</sup> The whistleblower's complaint and the summary of the president's phone call were, however, reviewed by Justice Department prosecutors, who declined to investigate the matter and instead concluded that the president's actions did not violate campaign finance laws.<sup>5</sup> The Justice Department spokeswoman then issued a statement saying that DOJ's

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<sup>1</sup> Matt Zapotosky, Josh Dawsey, and Carol D. Leonnig, *Trump wanted Barr to hold news conference saying the president broke no laws in call with Ukrainian leader*, WASH. POST, Nov. 6, 2019, [https://www.washingtonpost.com/world/national-security/trump-wanted-barr-to-hold-news-conference-saying-the-president-broke-no-laws-in-call-with-ukrainian-leader/2019/11/06/16d541ec-ff55-11e9-8bab-0fc209e065a8\\_story.html](https://www.washingtonpost.com/world/national-security/trump-wanted-barr-to-hold-news-conference-saying-the-president-broke-no-laws-in-call-with-ukrainian-leader/2019/11/06/16d541ec-ff55-11e9-8bab-0fc209e065a8_story.html).

<sup>2</sup> Unclassified Whistleblower Complaint (Aug. 12, 2019) at 1, <https://apps.npr.org/documents/document.html?id=6430359-Whistleblower-Complaint>.

<sup>3</sup> Michael D. Shear, Michael S. Schmidt, and Maggie Haberman, *Attorney General Declined Trump Request to Declare Nothing Illegal in Ukraine Call*, N.Y. TIMES, Nov. 6, 2019, <https://www.nytimes.com/2019/11/06/us/politics/trump-william-barr-ukraine-call.html>.

<sup>4</sup> *Id.* ("Mr. Barr declined, according to two people with knowledge of the matter.")

<sup>5</sup> Devlin Barrett, Matt Zapotosky, Carol D. Leonnig, and Shane Harris, *Trump offered Ukrainian president Justice Dept. help in an investigation of Biden, memo shows*, WASH. POST, Sept. 26, 2019,



criminal division reviewed the official record of the conversation and determined that “there was no campaign finance violation and that no further action was warranted,” a move that reportedly satisfied President Trump.<sup>6</sup> In the weeks since, however, President Trump is reported to have mentioned to associates your refusal to convene a news conference and publicly clear him of wrongdoing, an event he wishes would have occurred.<sup>7</sup>

On November 7, 2019, President Trump took to Twitter to dispute reports about his request. He tweeted that the “Washington Post MADE UP the story about me asking Bill Barr to hold a news conference.”<sup>8</sup> President Trump declared that it “[n]ever happened, and there were no sources!”<sup>9</sup> A senior administration official also disputes the reports, and commented that “[t]he DOJ did in fact release a statement about the call, and the claim that it resulted in tension because it wasn’t a news conference is completely false.”<sup>10</sup> The Justice Department, however, refused to comment.

These reports raise serious concerns about the president’s perception of the Justice Department as a partisan political instrument and his willingness to use the power of federal law enforcement in pursuit of his own objectives. We submit this FOIA request in order to obtain communications, documents, and other information related to the president’s reported request that you hold a news conference to clear him of wrongdoing during his call with the Ukrainian president.

If President Trump’s passionate assertion that such reports are “pure fiction”<sup>11</sup> and “Fake News”<sup>12</sup> is indeed correct, then the Department of Justice should have no problem in expeditiously processing our request. Accordingly, we seek expedited treatment of our request for the following records, to the full extent permitted by law:

### **Records Requested**

All memoranda, correspondence, including email or other correspondence, or memorialized conversations, with, to, or from Attorney General William Barr, Deputy Attorney General Jeffrey Rosen, or the immediate office of the attorney general, from August 14, 2019, to present, which contain any of the following words or phrases:

- “Ukraine” and “press conference”
- “Ukraine” and “presser”
- “Ukraine” and “news conference”
- “Ukraine” and “media”
- “Ukraine” and “journalist”
- “Ukraine” and “journalists”

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[https://www.washingtonpost.com/national-security/transcript-of-trumps-call-with-ukrainian-president-shows-him-offering-us-assistance-for-biden-investigation/2019/09/25/16aa36ca-df0f-11e9-8dc8-498eabc129a0\\_story.html](https://www.washingtonpost.com/national-security/transcript-of-trumps-call-with-ukrainian-president-shows-him-offering-us-assistance-for-biden-investigation/2019/09/25/16aa36ca-df0f-11e9-8dc8-498eabc129a0_story.html);

Katie Benner, *Justice Dept. 's Dismissal of Ukraine Call Raises New Questions About Barr*, N.Y. TIMES, Sept. 25, 2019, <https://www.nytimes.com/2019/09/25/us/politics/william-barr-trump-ukraine.html>.

<sup>6</sup> *Supra* note 3.

<sup>7</sup> *Supra* note 1.

<sup>8</sup> Donald J. Trump (@realDonaldTrump), TWITTER (Nov. 7, 2019, 5:46 a.m.), <https://twitter.com/realDonaldTrump/status/1192438178747170816>.

<sup>9</sup> *Id.*

<sup>10</sup> *Supra* note 1.

<sup>11</sup> Donald J. Trump (@realDonaldTrump), TWITTER (Nov. 7, 2019, 7:27 a.m.), <https://twitter.com/realDonaldTrump/status/1192463709400117250>.

<sup>12</sup> *Id.*

- "Ukraine" and "reporter"
- "Ukraine" and "reporters"
- "Ukraine" and "call was perfect"
- "Ukraine" and "perfect call"
- "Ukraine" and "call was good"
- "Ukraine" and "good call"
- "Zelensky" and "press conference"
- "Zelensky" and "presser"
- "Zelensky" and "news conference"
- "Zelensky" and "media"
- "Zelensky" and "journalist"
- "Zelensky" and "journalists"
- "Zelensky" and "reporter"
- "Zelensky" and "reporters"
- "Zelensky" and "call was perfect"
- "Zelensky" and "perfect call"
- "Zelensky" and "call was good"
- "Zelensky" and "good call"
- "Transcript" and "press conference"
- "Transcript" and "presser"
- "Transcript" and "news conference"
- "Transcript" and "media"
- "Transcript" and "journalist"
- "Transcript" and "journalists"
- "Transcript" and "reporter"
- "Transcript" and "reporters"
- "Transcript" and "call was perfect"
- "Transcript" and "perfect call"
- "Transcript" and "call was good"
- "Transcript" and "good call"

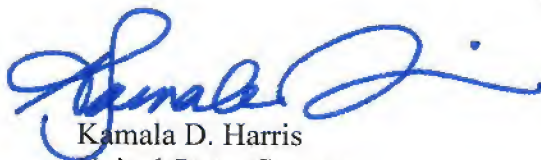
Thank you for your attention to this request. As provided in 5 U.S.C. § 552(a)(6)(E)(ii)(I), I look forward to your response within five business days.

**Request for Fee Waiver**

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 36 C.F.R. § 1250.56(a)(1)-(2), we request a waiver of all fees associated with processing this records request. Disclosure of the records we request is in the public interest because, for the reasons stated above, they are likely to contribute significantly to public understanding of government operations and activities.

Disclosure of these records is in no way associated with any commercial interest of ours. Rather, we are requesting these documents to fulfill our constitutional duties as Senators, which require us to understand DOJ operations and activities. We are therefore entitled to a fee waiver.

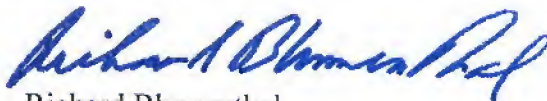
Sincerely,



Kamala D. Harris  
United States Senator



Sheldon Whitehouse  
United States Senator



Richard Blumenthal  
United States Senator

CC: Douglas Hibbard, Chief, Initial Request Staff, Office of Information Policy, Department of Justice